

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII

**DOCKET NO.: CWA-08-2003-0001**

In the Matter of:	)	
	)	
Spady Brothers Farm and Ranch	)	<b>EXPEDITED CONSENT AGREEMENT</b>
	)	
Respondent.	)	

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Spady Brothers Farm and Ranch, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an investigation of ongoing spills reported on April 2, 2002, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates a farm and ranch, Spady Brothers Farm and Ranch, located at 14265 East Highway 50, Las Animas, Colorado.

Respondent admits its facility is subject to the SPCC regulations.

Respondent admits it failed to prepare and implement an SPCC Plan for its Spady Brothers Farm and Ranch as required by Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j) in accordance with 40 C.F.R. part 112.

Respondent agrees to prepare and implement an SPCC Plan within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$1,000.00, which shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this agreement, to:

Jane Nakad  
Technical Enforcement Program (8ENF-T)  
USEPA Region 8  
999 18th Street, Suite 300  
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VIII,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By : \_\_\_\_\_  
Connally Mears, Director  
Technical Enforcement Program

Spady Brothers Farm and Ranch, Respondent.

By: \_\_\_\_\_ Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THIS DOCUMENT WAS SIGNED BY ALL PARTIES AND FILED WITH THE  
REGIONAL HEARING CLERK ON 10/09/02.